



January 26, 2007

Via Email and U.S. Mail

Mr. Ray Plienness
U.S. Department of Energy Office of Legacy Management
Attention: RFLMA Comments
Rocky Flats Site
11025 Dover St., Suite 1000
Westminster, CO 80030

RE: Draft Rocky Flats Legacy Management Agreement

Dear Mr. Plienness:

The City of Northglenn is pleased to have the opportunity to provide comments on the Rocky flats Legacy Management Agreement (RFLMA). Our comments fall into three general categories: Communication, Monitoring, and Administrative Record. As one of several interested downstream communities, the City of Northglenn (Northglenn) has appreciated and believe that our citizen's have benefited from the open and transparent communication established during the remediation process. We hope that this process between the regulators, downstream communities and the Stewardship Council will continue into the future.

Communication

Language in Part 10 - Amendment of Agreement and Modification of Attachments, would seemingly derail the established communication process. We respectfully request that the word "significant" be defined or omitted and that if and when modifications to the Agreement and related Attachments are made that they be released for public review and comment. Attachment 3 is not included in the draft. Please clarify what will be included in the Attachment and when it will be available for review and comment. The Plan uses the language consultative process. We believe the current language in Part 10 does not support this directive.

As technical staff evaluates potential impacts to our community and responds to questions from our constituents, we ask that their name(s) be added to the list of contacts within the Public Participation Plan and the Emergency Response Plan. We recommend the list be updated at Legacy Management's Annual Report meeting.

Monitoring

Northglenn reserves the right to collect surface water quality samples at the Woman Creek Point Of Compliance (POC) when Department Of Energy (DOE) is discharging from Pond C-2. Future sampling does not imply that Northglenn would assume any treatment responsibility if an exceedence occurs.

The Woman Creek POC is located within the refuge, adjacent to Indiana Avenue. Due to its location, there is an increased potential for the general public to access the monitoring equipment. In the event the station is damaged or vandalized, we ask the RFLMA signatories to evaluate the security mechanism to protect the station.

We were disappointed in the response to comments that the terminal ponds will not be sampled annually to evaluate the water quality in the ponds. We still believe there is value in sampling the terminal ponds annually to evaluate the water quality in the ponds. As a minimum, the terminal ponds should be sampled prior to the 5-year review to evaluate the remedy holistically and to determine if any area is not being captured by the current monitoring system.

Northglenn is concerned that there is potential for contaminated groundwater to reach surface water at SW Performance (SW018) upstream of FC-2, given that the contaminated foundations of B771 and B774 remain, the 771/776 tunnel may serve as a conduit for groundwater transport to surface water and the high potential for erosion. In light of these conditions, Northglenn requests that plutonium be sampled at SW018 and that Table 2 be modified to reflect this addition.

The Solar Pond Plume Treatment System (SPPTS) Discharge Gallery serves to evaluate water downstream of the SPPTS unit that is not being treated and captured. Nitrate levels above the temporary modification standard of 100 mg/L regularly occur. On January 19, 2006 a level of 673 mg/L was recorded. We are concerned that the Discharge Gallery will not meet the State of Colorado surface water standard of 10 mg/L in 2009 at GS13 when the temporary modification expires. We ask that LM develop a plan to address our concern. We ask that Table 2 be revised to include the SPPTS Discharge Gallery and associated analytes of nitrate and uranium at GS13 and at the Walnut Creek POC.

GS-51 provides valuable information about the remaining residual contamination in the 903 pad and lip area. With the high potential for erosion and uncertainties of contaminant migration in the near future, GS-51 should be added to Table 2 to ensure this station will not be removed without the approval of the other RFLMA Parties. This station can provide valuable information after major storm events to evaluate the performance of the remedy and determine if source material remains stabilized. Please revise Table 2 to include this station to monitor for plutonium and americium.

Well GW4505 has been forced into an almost horizontal position due to subsidence. This alignment prevents samples from being taken. We ask that a plan be drafted with an identified schedule to replace the well to monitor groundwater in this area. We would also like to see a plan with criteria to determine if and when stabilization will be performed to address the severe subsidence. The RFCA Parties have stated that this is not an environmental issue; however, the purpose of this monitoring well is to evaluate potential impacts to Walnut Creek. Unless representative samples are collected from this well, LM can not provide an evaluation of all the potential impacts from groundwater in this area.

We would like, as a courtesy, to be notified in the event there are elevated levels of VOCs, uranium, or nitrates at boundary wells 41691 and 10393 so that we can take measures that are protective of downstream use classifications.

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Administrative Record

Please clarify if LM intends to designate a location where the general public can access written or hardcopies of the record in addition to the electron version available on the internet. If so, we would like to be apprised of locations currently being considered. The intent of the CERCLA requirement is that the record be, not only available, but useable by the public.

We request LM work with Northglenn in the event the records and literature currently at the Rocky Flats Reading Room, are transferred to another repository in the future. Legacy Management has committed to work with us in the decision making process to determine the best location for the administrative record. If any of the other materials currently being stored in the Reading Room are not to be archived by LM, we request that the material be transferred to either the City and County of Broomfield or the City of Westminster.

We support Legacy Management's Strategic Plan, with the exception of a few comments addressed in this letter, we believe the draft RFLMA's consistent with the goals and objectives of the Strategic Plan.

Thank you for the opportunity to comment on this crucial long-term stewardship document. We also thank the Department of Energy Office of Legacy Management (DOE), the Environmental Protection Agency (EPA), and the Colorado Department of Public Health and the Environment (CDPHE) for their commitment to maintain an open-door-policy with our community and other governments downstream of Rocky Flats. Northglenn expects that we will continue to be involved, informed, and allowed to participate in any decisions pertaining to long-term stewardship activities at the site.

If you have any questions on Northglenn's comments on the draft RFLMA, please call Shelley Stanley of my staff at (303) 450-8905. Again, we appreciate the opportunity to participate in this process and look forward to continuing a relationship with you in the future.

Sincerely,



David Allen,
Director of Water and Environmental Services

c: Mr. Lee Johnson, Woman Creek Reservoir Authority
Ms. Jeanette Alberg, Area Representative, Senator Wayne Allard
Mr. David Hiller, State Issues Counsel, Senator Ken Salazar
Mr. Doug Young, District Policy Director, Congressman Mark Udall
Mr. Carl Spreng, Colorado Department of Public Health and Environment
Mr. Mark Aguilar, Environmental Protection Agency
Mr. Scott Surovchak, Legacy Management
Ms. Sheri Paiz, Northglenn City Councilwoman
Mr. A.J. Kreiger, Northglenn City Manager
Ms. Shelley Stanley, Northglenn Water Resources Coordinator
Rocky Flats Stewardship Council